

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IOAN JOHN VASILIU,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-10-1165-C
)	
DEPARTMENT OF HOMELAND)	
SECURITY, et al.,)	
)	
Respondents.)	

ORDER

This action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254, brought by an immigration detainee proceeding pro se, was referred to United States Magistrate Judge Bana Roberts, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation on November 24, 2010, recommending dismissal for lack of jurisdiction. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed.* Therefore, the Court adopts the Report and Recommendation. Because no amendment can cure the defect, the dismissal acts as an adjudication on the merits and a judgment will enter.

* Although the Report and Recommendation mailed to Petitioner was returned as undeliverable, no other address has been provided by him as required by LCvR 5.4: "Papers sent by the Court will be deemed delivered if mailed to the last known address given to the Court."

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted, in part, and this case is denied for lack of jurisdiction. A judgment will enter accordingly.

IT IS SO ORDERED this 29th day of December, 2010.



ROBIN J. CAUTHRON
United States District Judge